

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,	)	CASE NO. 4:08cv00950
)	
Plaintiff,	)	JUDGE SARA LIOI
v.	)	MAGISTRATE JUDGE GALLAS
)	
FAURECIA EXHAUST SYSTEMS, INC.	)	PLAINTIFF EEOC'S
	)	MOTION TO FILE INSTANTER
	)	CORRECTED MEMORANDUM
	)	IN OPPOSITION TO
Defendant.	)	DEFENDANT'S MOTION
	)	FOR PATRIAL JUDGMENT
	)	ON THE PLEADINGS AND
	)	TO STRIKE JURY DEMAND

MOTION

Plaintiff Equal Employment Opportunity Commission (the "Commission" or "EEOC") by and through its attorneys, respectfully moves this Court for leave to file instanter the attached corrected Memorandum in Opposition to Defendant's Motion for Partial Judgment on the Pleadings and to Strike Jury Demand.

MEMORANDUM IN SUPPORT

After reviewing Defendant's Reply in Support of Motion for Partial Judgment on the Pleadings and to Strike Jury Demand, counsel for Plaintiff noted that certain references made to statutory provisions discussed in Section IV-A of the Commission's brief needed to be corrected. The attached corrected memorandum is *not* in the nature of a sur reply. Instead, the attached memorandum articulates the same argument advanced in the Commission on July 21, 2008 memorandum with appropriate statutory references and a footnote intended to clarify those

references. The corrected Memorandum instanter will enable the Court to clearly discern the statutory provisions relied upon by the Commission in Section IV-A of its Memorandum and accept, or reject, Plaintiff's argument based upon the merits.

Respectfully submitted,

JACQUELINE MCNAIR
Regional Attorney
Philadelphia District Office
Philadelphia, PA 19106

C. LARRY WATSON
Associate Regional Attorney
Registration No. 0031443
Larry.Watson@eeoc.gov

/s/Solvita A. McMillan
SOLVITA A. MCMILLAN
Senior Trial Attorney
Registration No. 0040011
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
Cleveland Field Office
Anthony J. Celebrezze Office Building
1240 East Ninth Street Suite 3001
Cleveland, Ohio 44199
(216) 522-7676
(216) 522-7430 fax
Solvita.McMillan@eeoc.gov

CERTIFICATE OF SERVICE

Undersigned counsel certifies the foregoing Plaintiff EEOC's Motion to File Instantly Corrected Memorandum in Opposition to Defendant's Motion for Partial Judgment on the Pleadings and to Strike Jury Demand was electronically filed this 13th day of August, 2008. Notice of this filing will be sent to all parties by operation of the Court's electronic case filing system. Parties may access these filings through the Court's electronic case filing system.

/s/Solvita A. McMillan
Trial Attorney (0040011)

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
Cleveland Field Office
AJC Federal Bldg., Suite 3001
1240 East Ninth Street
Cleveland, OH 44199
solvita.mcmillan@eeoc.gov
Tel. 216-522-7676
Fax. 216-522-7430